

REMARKS/ARGUMENTS

The Examiner is thanked for the Official Action dated February 2, 2004. This amendment and request for reconsideration is intended to be fully responsive thereto.

Claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Ross (USPN 4,177,885). The applicant respectfully disagrees.

However, in order to expedite the prosecution of the present application, claim 1 has been amended to specify that the piston (4) is mounted to rotate relative to the hub (14). No new matter has been added. The basis for this amendment can be found throughout the specification. For example, it is disclosed on page 5, lines 40-41 of the present specification that an external surface 20 of an axial portion 16 of the hub 14 is smooth. In other words, no driving connection between the piston 4 and the hub 14 exist, thus the piston 4 is rotatable relative to the hub 14. Also, it is disclosed on page 11, lines 4-5 of the present specification that “the piston 4 co-operates through its flange 22 solely with the seal 21”. Moreover, it is disclosed on page 15, line 4 of the present specification that the friction means 60 rubs the radial plate 15. This means that there is a relative rotation between the piston 4 and the hub 4. In other words, the piston 4 is rotatable relative to the hub 14.

Ross fails to disclose the piston mounted to rotate relative to the hub and the friction means between a face of the piston and a radial plate of the hub. In fact, the piston 44 of Ross is splined at 46 to the hub 34 (see column 1, lines 58-59). Thus, the piston 44 of Ross is non-rotatably mounted to the hub.

Furthermore, as clearly disclosed by Ross, the reference 92 relates to “a low force spring” functioning to assist the piston in the initial engagement of the clutch, not to act as a

friction means (see col. 2, lines 52-58). Contrary to the Examiner's allegations, the spring 92 of Ross cannot be interpreted as the "friction" means. The Random House Webster's College Dictionary (1999 Second Random House Edition), defines the word "friction" as "surface resistance to relative motion". That explicitly requires that the spring 92 of Ross should be rotatable relative to the hub 34. However, as clearly disclosed by Ross, the piston 44 of Ross is non-rotatably mounted (splined) to the hub 34, thus there may be no frictional engagement between the spring 92 and the hub 34, and no friction means is necessary in such arrangement.

Therefore, rejection of claim 1 under 35 U.S.C. 102(a) as being anticipated by Ross is improper.

Claims 1, 2, 5 and 26 were rejected under 35 U.S.C. 102(b) as being anticipated by Croswhite (USPN 3,239,037). The applicant respectfully disagrees.

Croswhite fails to disclose the piston mounted to rotate relative to the hub and the friction means between a face of the piston and a radial plate of the hub.

The Examiner erroneously alleges that the element 98 of Croswhite is the piston. Contrary to the Examiner's allegations the element 98 is a flexible diaphragm, not a piston. One of ordinary skill in the art would readily recognize that that the piston is a solid or hollowed cylindrical body reciprocating (or sliding) under fluid pressure, while the diaphragm, as understood in the art, is a flexible disc or membrane which deflects under the fluid pressure. Clearly, the flexible diaphragm 98 cannot be construed as a "piston" by one of ordinary skill in the art. Also, the flexible diaphragm 98 is positively secured to the hub 56 through the retainer 100 by the rivet 56. Thus, the diaphragm 98 is not rotatable relative to the hub 58.

Furthermore, the Examiner erroneously interprets the retainer 100 and the rivet 56 of Croswhite as the friction means. As was noted above, the word “friction” implies some “surface resistance to relative motion”. Thus, the retainer 100 and the rivet 56 cannot possibly be interpreted as “friction means” as there is no relative movement between the diaphragm 98 and the hub 58.

Therefore, rejection of claim 1 under 35 U.S.C. 102(a) as being anticipated by Croswhite is improper.

Claims 2 and 3 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ross. Applicant respectfully disagrees.

As argued above regarding the rejection of claim 1 under 35 U.S.C. 102(b) over Ross, Ross fails to disclose the piston mounted to rotate relative to the hub and the friction means between the face of the piston and the radial plate of the hub.

Moreover, the Examiner admitted that Ross lacks the limitation that one of the friction means and the piston has at least one projecting element engaged in a complementary hole of the other one of the piston and friction means. The Examiner also notes that it would have been obvious to one of ordinary skill in the art to modify Ross to include at least one projecting element in order to provide means for securely connecting the spring 92 to the piston 44, and cites *In re Dailey* (357 F.2d 669, 149 USPQ 47 (CCPA 1966)). However, we believe that *In re Dailey* is not applicable here as it relates exclusively to the change in shape, not the way the friction means is secured to the piston.

Thus, claims 2 and 3 define the invention over Ross, and are in condition for allowance.

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ross in view of Meixler (USPN 5,795,166). Applicant respectfully disagrees.

Here again, as argued above regarding the rejection of claim 1 under 35 U.S.C. 102(b) over Ross, Ross fails to disclose the piston mounted to rotate relative to the hub and the friction means between the face of the piston and the radial plate of the hub.

Furthermore, the Examiner's modification of the Ross in view of Meixler is improper because in order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. In other words, to rely on the reference under 35 U.S.C. 103, it must be analogous prior art. MPEP 2141.01(a). In re Oetiker, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992).

Meixler discloses the child resistant electrical plug safety lock. By contrast, claim 4 of the present invention recites the hydrokinetic coupling apparatus. Therefore, the claimed invention and the child resistant electrical plug safety lock of Meixler are not part of the same endeavor, i.e. the child resistant electrical plug safety lock of Meixler is non-analogous prior art. Hence, the combination and modification of Meixler and Ross suggested by the Examiner cannot be made, and, thus, the rejection of claim 4 under 35 U.S.C. 103(a) is improper.

Claims 6, 7 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Croswhite. Applicant respectfully disagrees.

As argued above regarding the rejection of claim 1 under 35 U.S.C. 102(b) over Croswhite, Croswhite fails to disclose the piston mounted to rotate relative to the hub and the friction means between a face of the piston and a radial plate of the hub. The limitations

recited in claims 6, 7 and 13 further define the invention over Croswhite, and are in condition for allowance.

Claims 16 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ross in view of Petruccello (USPN 5,161,428). Applicant respectfully disagrees.

Here again, as argued above regarding the rejection of claim 1 under 35 U.S.C. 102(b) over Ross, Ross fails to disclose the piston mounted to rotate relative to the hub and the friction means between the face of the piston and the radial plate of the hub.

Thus, even if the combination of and modification of Ross and Petruccello suggested by the Examiner could be made, the resulting the hydrokinetic coupling apparatus still would lack the piston mounted to rotate relative to the hub and the friction means between the face of the piston and the radial plate of the hub.

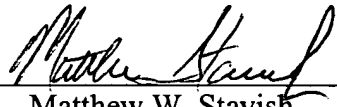
Furthermore, the Examiner's modification of the Ross in view of Petruccello is improper because it relies on a non-analogous prior art. Petruccello discloses the motion transmitting remote control assembly for transmitting forces from a control member to an actuated member along a curved path by a flexible motion transmitting core element. By contrast, claims 16 and 19 of the present invention recites the hydrokinetic coupling apparatus including a torque converter. Therefore, the claimed invention and the flexible motion transmitting assembly of Petruccello are not part of the same endeavor, i.e. the flexible motion transmitting assembly of Petruccello is non-analogous prior art. Hence, the combination and modification of Petruccello and Ross suggested by the Examiner cannot be made.

Thus, the rejection of claims 16 and 19 under 35 U.S.C. 103(a) over the Ross in view of Petruccello is improper.

Appl. No. 09/806,031
In re Arhab et al.
Reply to Office Action of Feb. 2, 2004

It is respectfully submitted that claims 1-7, 13, 16, 19 and 26 define the invention over the prior art of record and are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

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